

California Department of Transportation

Native American Advisory Committee

Quarterly Meeting Minutes

January 29, 2002

Ben Scerato, Chairman, called the meeting to order at 9:15 a.m. and welcomed new Committee members, as well as all in attendance.

Roll Call: Dave Nenna called Roll. Committee members in attendance were Samuel Elizondo, Nicholas Fonseca, Michael Holman., Vlayn McCovey, Andrew Masiel, Bo Mazzetti, Dave Nenna, Irenia Quitiquit, Joe Sanchez, Lorenda Sanchez, Ben Scerato, and Kathy Wallace. Committee Alternate member in attendance was Nancy Thorington for Joseph A. Myers.

Adopt Agenda: Bo Mazzetti requested the addition of Jo Sanford, Department of Transportation Native American Liaison, District 8, be added to the Agenda for the purpose of reviewing the work that Mr. Sanford has been doing for the Tribes in Districts 8 and 11. The Agenda, with addition, was approved. Motion by Andrew Masiel; Second by Nicholas Fonseca. Vote was 13 For, 0 Against, 0 Abstain.

Approve Minutes: The Committee approved the Minutes of the September 18, 2001 meeting, with corrections/update requested by Tina Biorn, Environmental Coordinator, California Department of Transportation (Department), HQ. Motion by Lorenda Sanchez; Second by Michael Holman. Vote was 13 For, 0 Against, 0 Abstain.

Executive Officer Election: Two (2) vacant Executive Officer positions on the Committee were filled by election: Bo Mazzetti was elected to Vice-Chairman position. Motion by Andrew Masiel; Second by Lorenda Sanchez. Vote was 13 For, 0 Against, 0 Abstain. Dave Nenna was elected to Secretary position. Motion by Andrew Masiel; Second by Nicholas Fonseca. Vote was 13 For, 0 Against, 0 Abstain.

Director's Representative: Joan Sollenberger, Chief, Division of Transportation Planning, welcomed all to the meeting. Ms. Sollenberger reiterated the Department's commitment to maintain Government-to-Government relations with California Tribes. She indicated that she emphasizes the need to contact Tribes for long-range planning at every opportunity.

Ms. Sollenberger addressed the removal of an item entitled "Memorandum of Understanding" from the Agenda. A copy of a draft "sample" MOU had previously been distributed to the Committee members for their review. But the Department wishes to further review the document in house, incorporate any relevant changes, and will then provide copies to the Committee for its review.

Andrew Masiel queried Ms. Sollenberger about the possibility of rededicating two (2) county roads to the Bureau of Indian Affairs (BIA) inventory, due to the inadequacy of county

funds to maintain them. Ms. Sollenberger assured Mr. Masiel that the Department would work with the Tribes to and local governments/agencies to accommodate Tribal needs.

NEW BUSINESS:

1. **Contracting with Tribes.** Joan Sollenberger reported that the Department's legal staff is reviewing the particulars in order to look for a generic way to change Department contracting procedures as they affect Tribes. A matrix will be developed during this review process that will reflect the contracting situations of Tribes throughout the State. Ms. Sollenberger requested that the different Tribal situations be brought to the attention of the Department.

2. Bo Mazzetti asked the Committee's indulgence to discuss Department/Tribal signage prior to addressing the legislative subcommittee. Mr. Mazzetti introduced Mario Orso, Native American Liaison, District 11, who has been working with the Tribes to fulfill their signage requirements in that District. Packages are being developed for San Diego and Imperial Counties, respectively, in order to proceed with installation of the signs. Mr. Mazzetti noted that there is a misunderstanding regarding the meaning of the Traffic Operations signage policy, with some of the District staff thinking that there could be one sign only per Tribe. Mr. Orso explained that Cynthia Gomez had supplied him with copies of Minutes of a meeting regarding the signage prior to the policy adoption, and that the conclusion was reached that the Tribes would receive their signage in accordance with their requirements. Cynthia Gomez mentioned that language regarding the number of signs was purposefully omitted from the policy in order to afford flexibility to the Tribes and the Districts. District 11 will probably change its procedural language in pursuit of clarification and suitability to Tribes.

Irenia Quitiquit commented that Robinson Rancheria is working with District 1 to acquire signs.

Ken Jones of Resighini Rancheria indicated that signs were needed there and asked to whom he could speak regarding getting them. Kathleen Sartorius, Native American Liaison, Districts 1, 2, and 3 responded that he should contact her.

Legislative Subcommittee.

Bo Mazzetti requested that the Committee establish a Legislative Subcommittee as there is a need for a more focused effort from California Tribes to address legislative action impacting their welfare. He recommended that Andrew Masiel be appointed as Chairman of the proposed subcommittee. Mr. Mazzetti cited a current bill being considered by the California Legislature that would determine the Tribal gaming set-aside for traffic mitigation projects, and that there is no provision for Tribes to be involved in the selection of those projects. The currently proposed bill does not reflect the original intention of the Tribes. He stated that there is a need for Tribes to influence decisions to ensure that projects would help them.

Dave Nenna indicated that Tule River Tribal Council would be happy to help with the legislative process and that the Tribe is active on its own behalf.

Andrew Masiel suggested that a written statement of intent for a subcommittee be written. Bo Mazzetti clarified that the purpose of a Legislative Subcommittee would be to gather information and relay it to all of the Tribes.

The general consensus was that a Legislative Subcommittee is a positive suggestion, subject to the following considerations: (1) A subcommittee will need to consider the impact of legislation on all the Tribes; (2) Information will be gathered for distribution to all Tribes; (3) Scope of the Subcommittee must stay within the Committee's Charter; and (4) Any recommendations stemming from the Subcommittee process will ultimately be used to advise the Director. Motion by Bo Mazzetti; Second by Vlayn McCovey. Vote was 13 For, 0 Against, 0 Abstain.

A request for volunteers produced the following: Andrew Masiel; Dave Nenna; Michael Holman; Nicholas Fonseca; and, Vlayn McCovey.

Andrew Masiel introduced the subject of the need for a Native American to be appointed to the California Transportation Commission (CTC). The CTC adopted a position for a Native American, but the appointment did not go beyond the Governor's Appointment Secretary. Joan Sollenberger indicated that there is a new Executive Director of the CTC and that the Tribes might wish to pursue membership again. She clarified that the CTC and the Department are separate entities.

OLD BUSINESS:

1. **Acquisition and Leasing Procedures for Tribal Procurement – Update.** Gary Kennedy, Surplus Sales, explained the Department of General Services' surplus mobile equipment program and made available copies of the letter that was sent to all Tribes last July. He reiterated the need for Tribes to keep in touch with him frequently concerning their mobile equipment needs, because the inventory is always changing and there simply is not the time to review every request when he receives equipment. Mr. Kennedy is the only staff doing the work and he is responsible for the public sale of equipment, also. He was able to answer a number of questions by those in attendance and made it clear that he will work with all Tribes to try to fill their surplus equipment needs that are available through the program that he administers.

2. **Negotiated Rule Making Update.** Vlayn McCovey, Co-Chairperson of the Negotiated Rulemaking Committee, provided a review of events since the proposed formula for IRR funding was published in January, 2001. Final rule is still not resolved. In response to a question from Michael Holman, Ms. McCovey explained that not all reservations roads are on the IRR inventory and that funding is based upon the inventory. Ms. McCovey had earlier provided copies of the "IRR Funding Formula FY 2003 and Thereafter, " and the "Tribal Transportation Allocation Methodology (TTAM)" for distribution.

Joey Silvas, BIA Northern California Agency, discussed the need for Tribes to apply to the Regional office for the FY2002 Administrative Capacity Building Funds by April 15th. Funding amount is \$35,000. Tribes that do not or cannot administer the funds for planning purposes may apply them to construction. Tribes that have not completed their transportation improvement plans, however, are urged to use the funding for planning rather than construction.

3. **Reauthorization Act.** Cynthia Gomez reported that the statement of California Tribal issues regarding reauthorization of the surface transportation act had been drafted, as recommended by Joseph Myers and approved by the Committee in September, 2001. Ms. Gomez distributed copies of the draft to the Committee members and requested their feedback. A copy is attached. She reported, also, that a similar report had been prepared for the Business, Transportation and Housing Agency (of which the Department of Transportation is a part) for its consideration of the State's position regarding the reauthorization. Tribal issues included in the report are employment, government-to-government relations, the State funding process, Tribal involvement in State planning, preservation and protection of cultural resources; and the funding obligation limitation. Copies of that report were distributed.

General discussion included the mention that TEA-21 specifically identifies the Navajo as the only Tribal Government to receive its obligation limitation funds, as well as the fact that there are no legal vehicles available for the FHWA to return obligation limitation funds to the BIA.

4. **Federal Intermodal Planning Group (IPG) Summary.** Sharon Scherzinger referred to the IPG schedule that was distributed and reminded everyone that the Federal agencies, the Department and Metropolitan Planning Organizations met annually and that such meetings provide opportunities for the Tribes to participate in the regional transportation planning.

5. **Highway Vegetation Subcommittee.** Kathy Wallace reported that the Subcommittee met on January 28th. She provided the draft Minutes of the meeting to the Committee. A copy of the Minutes is attached. Ms. Wallace requested approval from the Committee to change the name to the "Highway Landscaping Subcommittee." There were no objections to the name change. The Subcommittee's focus continues to work with the Department's Maintenance and Landscaping divisions to educate them from the Native American perspective and to develop protocols with the divisions in order to coordinate activities. Mr. Ron Barr, Bishop Piaute Tribe, attended the meeting and commended the Subcommittee on its work.

6. **Environmental Subcommittee Report.** Jila Priebe indicated that the draft Minutes of the October 16, 2001 Subcommittee meeting had been distributed to the Committee earlier. In October, the Subcommittee responded to a need identified in the July meeting for a better understanding of the Department's planning and programming processes. Attendees included representatives from: the Department's Environmental Analysis, Office of State Landscape, Native American Liaisons and Planning components; Tribal Governments; the BIA; and the Office of Historic Preservation. The next meeting of the Subcommittee is scheduled for February 21, 2002 from 10:00 a.m. – 4:00 p.m. The location is undetermined. Minutes of the October 16th meeting will be distributed following approval in February.

7. **Transportation Guide for Native Americans (Handbook).** Betty Miller announced that the Guide would be sent to all Tribal Governments, Department Divisions and Districts around the end of February. Fifty copies were printed for the meeting, but a couple of errors were discovered and will be need to be corrected before it goes to the printers.

8. **Tribal Transportation Academy.** Betty Miller announced that the training for Southern California is scheduled for April 2 and 3, 2002 at the Sheraton Ontario Airport Hotel.

Date and location are confirmed, but other information will be forthcoming. Invitations to the training will go to Tribes in Districts 5, 8 and 11.

9. California Transportation Plan (CTP). Susan Dona, Division of Transportation Planning, reviewed the input from focus groups, including Native Americans, which her office received during the public participation process conducted in 2001. Based upon the input, the CTP was drafted and will be reviewed again by focus groups, including Tribes. Ms. Dona explained that the purpose of the CTP is to document the State's plan to increase public safety and preserve the transportation system, improve mobility and accessibility, maximize efficient fuel and energy usage, provide viable transportation choices and enhance the environment and reflect community values. Publication is expected sometime in April.

Prior to publication of the CTP, the Department will have a contest for children (students) in California's schools to design the cover for the publication. A number of questions were asked regarding the details of the contest and how Tribal children would be able to participate in the contest. Ms. Dona indicated that all of the schools in the State would be notified and that her office is working with the California Department of Education to ensure that all schools are notified. Irenia Quitiquit recommended notifying Tribal Education programs, and Vlayn McCovey recommended a notice be sent to the Northern California Indian Development Council. Ms. Dona said that could be done, and she will work with Betty Miller to obtain the addresses.

10. Traffic Circulation Reports. Jo Sanford, District 8, discussed the progress that he has made in completing the Traffic Circulation Reports for the Tribes in Districts 8 and 11. The reports include existing traffic conditions on the reservations as well as projections for the years 2005, 2010 and 2020. They include maps, charts and tables. Mr. Sanford has been working with the Reservation Transportation Authority as part of a pilot project to document the Tribal traffic conditions. There are no comparable efforts taking place within the Department at this time. Template-type products can be shared with other Tribes in the State, providing permission and protection of privacy are forthcoming, but specifics of such sharing have not been discussed.

ANNOUNCEMENTS/OPEN FORUM:

1. The Committee confirmed the following dates/locations for the remainder of the 2002 quarterly meetings:

Wednesday, April 10 at the California Indian Manpower Consortium, Inc. office, Sacramento;

Wednesday, July 24 at the Caltrans Maintenance Facility, Woodland; and

Wednesday, October 23 at the Caltrans Maintenance Facility, Woodland.

2. Karen Nissen, District 6, announced the California Indian Heritage Preservation Award Call for Nominations. Deadline is March 1, 2002. This award was created by the Society for California Archaeology to honor California Indians who have contributed to the preservation of their cultural heritage. Information is available from the Native American Liaison Branch (B. Miller).

3. Vlayn McCovey announced that she would attend the Inter-tribal Transportation Association (ITA) conference in Ketchikan, Alaska on February 4-7, 2002. Prior to that, she will attend a meeting in Phoenix of the IRR Negotiating Rulemaking Committee. Vlayn encouraged Tribes to attend informational sessions regarding the Notice of Proposed Rulemaking when they are scheduled in California.

4. Vlayn McCovey announced that the National Congress of American Indians formed a subcommittee to consider the reauthorization.

ADJOURNMENT:

The meeting was adjourned by consensus at 3: 00 p.m.

Submitted by: Betty Miller
Native American Liaison Branch